THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.1825 OF 1999

DATED:16.2.2006

Between:

Chinna Basappa …Petitioner

And

The Collector, Chittoor District,

Chittoor and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.1825 OF 1999

ORDER:

The petitioner claims to be owner of land admeasuring Ac.0.74 cents in S.No.290 of Mandalakunta Village, Hamlet of Kangatham Village, in Chittoor District. The land was acquired in 1977 for providing house sites to persons belonging to weaker sections. After conducting enquiry, award was passed in respect of petitioner's land. The petitioner did not accept the amount though he was issued notice on 9.12.1977. The petitioner claims that though award was passed, compensation was not taken and hence he is enjoying the land. The petitioner further alleges that the amount awarded is not proper and unless and until the award amount is enhanced, he cannot be dispossessed from the land depriving his livelihood. Therefore, he filed the present Writ Petition seeking a Writ of Mandamus declaring the action of the

respondents in not fixing the award amount for petitioner's land as illegal and arbitrary.

Third respondent filed a counter affidavit stating that after completing acquisition proceedings pattas were issued to weaker sections at the rate of Ac.0.02½ each for nineteen beneficiaries and at that stage petitioner approached this Court. It is also stated that as the petitioner refused to receive the award amount, the same was deposited vide challan No.649, dt.30.8.1978, and challan No.799, dt.28.4.1982 into revenue deposits. It is further stated that the petitioner was informed by issuing notice under Section 12(2) of the Land Acquisition Act, 1894 (for short, the Act), but he failed to receive the compensation. The allegation that the compensation fixed is not correct is denied.

Though the counter affidavit is filed by the respondents before this Court, no reply affidavit is filed denying the counter averments. Be that as it is, even according to the petitioner, the award was passed and he refused to receive the compensation on the ground that it is inadequate. In such circumstances, the remedy of the petitioner is to seek reference under Section 18 of the Act within sixty days after receipt of notice of award under Section 12(2) of the Act. Merely because the compensation was not paid adequately, the petitioner cannot be continued to be in possession. When once the award is passed, the land vests in the Government free from all encumbrances and it shall be open to revenue officials to take possession of the land.

The Writ Petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

16.2.2006

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